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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,841	11/24/2003	Gabriel J. Farkas		3657

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EXAMINER

ARNOLD, ERNST V

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,841	Applicant(s) FARKAS, GABRIEL J.	
	Examiner Ernst V. Arnold	Art Unit 1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 1-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

The Examiner acknowledges receipt of application number 10/719,841. Claims 1-4 are pending and are accordingly presented for examination on the merits.

Applicant is advised that the current set of claims is drawn to a product: a chemical compound. Amended claims drawn to methods may be restricted during further prosecution.

Specification

The abstract of the disclosure is objected to because it is in two separate paragraphs. A proper abstract is a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-4 are objected to because of the following informalities: a claim has a single period at the end of the claim. Please rephrase the claims into the proper format. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1616

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by
Derwent Abstract Acc-No. 1982-97101E.

Claim 1 is drawn to a compound of Tris-Amino and reduced glutathione. The Examiner interprets the claim to be drawn to a composition of Tris Amino and reduced glutathione. The Derwent Abstract discloses a medium containing reduced glutathione and tris(hydroxymethyl) aminomethane. The applicant defines Tris-Amino as tris(hydroxymethyl) aminomethane (Page 5 of the instant specification). Furthermore, the MPEP states: "[T]he discovery of a previously unappreciated property of a prior art composition, or of a scientific explanation for the prior art's functioning, does not render the old composition patentably new to the discoverer." *Atlas Powder Co. v. Ireco Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999). The Derwent Abstract discloses the same components in the composition as the instant invention and therefore the composition is anticipated. Furthermore, since a composition containing the same exact components must necessarily possess the same properties, an ability to detoxify formaldehyde vapors, then the claimed functionality would necessarily have been present in the Derwent Abstract composition.

Claim Rejections - 35 USC § 102

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Merck Index Twelfth Edition 1996, pages 761-762.

Art Unit: 1616

Claim 2 recites a chemical compound wherein reduced glutathione is the component. The Examiner interprets the claim to read upon reduced glutathione.

The Merck Index lists references to the first isolation of reduced glutathione (GSH) in 1929 and methods to synthesize it in the laboratory have been known since 1952. Therefore, reduced glutathione is a well known laboratory reagent and anybody working with reduced glutathione would necessarily have received the benefit of having protection from formaldehyde vapors.

Claim Rejections - 35 USC § 102

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by the Merck Index.

Instant claim 3 is drawn to a chemical compound wherein a component is beta-cyclodextrin. The Examiner interprets the claim to read upon β -cyclodextrin.

The Merck Index discloses that β -cyclodextrin was first isolated in 1891. Therefore, β -cyclodextrin is a well-known reagent and anybody working with β -cyclodextrin would have necessarily received the benefit of having protection from formaldehyde vapors.

Claim Rejections - 35 USC § 102

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Halenbeck et al. (US 4,929,700).

Art Unit: 1616

Instant claim 4 is drawn to a chemical compound of Tris-Amino, urea and reduced glutathione. The Examiner interprets the claim to be drawn to a composition of Tris-Amino, urea and reduced glutathione.

Halenbeck et al. discloses a solution comprising 0.4 M urea, 50 mM Tris and 2 mM reduced glutathione (Column 21, line 67-column 22, line 1). The applicant defines Tris-Amino as tris(hydroxymethyl) aminomethane (Page 5 of the instant specification). The Halenbeck et al. patent discloses the same components in the composition as the instant invention and therefore the composition is anticipated. Furthermore, since a composition containing the same exact components must necessarily possess the same properties, an ability to detoxify formaldehyde vapors, then the claimed functionality would necessarily have been present in the Halenbeck et al. solution.

Conclusion

Claims 1-4 are rejected.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernst V. Arnold whose telephone number is 571-272-8509. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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